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| 09/865,050 | 05/24/2001 | Kireeti Kompella | Juniper-3 (JNP-0027) | 2297 |
| 26479 | 7590 | 10/17/2005 | EXAMINER | |
| STRAUB & POKOTYLO 620 TINTON AVENUE BLDG. B, 2ND FLOOR TINTON FALLS, NJ 07724 | | | NGUYEN, BRIAN D | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2661 | |

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/865,050

Applicant(s)

KOMPELLA, KIREETI

Examiner

Brian D. Nguyen

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-20, 22-27, 29-31 and 39-46 is/are allowed.
- 6) ☒ Claim(s) 1-12, 28, 32-34, 37, 38, 47 and 48 is/are rejected.
- 7) ☒ Claim(s) 21, 35 and 36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 1-8, 21, and 47 are objected to because of the following informalities:

Claim 1, line 17, "a transport network" seems to refer back to "a transport network" in line 2. If this is true, it is suggested to change "a transport network" to --the transport network--.

Claim 21, line 2, it is suggested to insert --of-- before "the newly added".

Claim 47, line 16, "a transport network" seems to refer back to "a transport network" in line 2. If this is true, it is suggested to change "a transport network" to --the transport network--.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 28 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 28 recites the limitation "the range" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim. Claim 28 should depend on claim 23.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-2, 4-7, 9-12, 32, 37-38, and 47-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Hama (2004/0202171).

Regarding claim 1, Hama discloses a method for processing ingress data by an edge device of a transport network (figure 1), the method comprising: a) determining a first label and a second label using layer 2 destination information of the ingress data (see first and second labels in figure 2); b) adding the first and second labels to the data to generate modified data (see MPLS packet in figure 3 that include first and second labels); and c) using the first label to forward the modified data towards an egress edge device of the transport network wherein the second label is to be used by the egress edge device to associate the ingress data with a destination device and a channel (paragraph 0071), and wherein the edge device is a different node from the egress edge device, and is separated from the egress edge device by at least one communications link of a transport network (see figure 1).

Regarding claim 2, Hama discloses removing the destination information of the ingress data (paragraph 0071).

Regarding claims 4-7, Hama discloses a logical identifier and virtual private network (VPN) are used to determine the egress device associated with the first label and the destination device and channel associated with the second channel (see paragraph 0038).

Regarding claim 9, Hama discloses a method for processing egress data, having a first label and a second label (see VPN and forwarding labels in figure 3), by an edge device of a transport network (edge router in figure 1), the method comprising: a) determining a channel to a

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destination customer edge device based on the second label; b) forwarding the egress data on the channel determined (see paragraph 0038).

Regarding claims 10-11, Hama discloses the second label was derived from an identifier of the destination customer edge device, and a label base of a source customer edge device and was mapped from a channel identifier for the destination customer edge device used by the source customer edge device (see second (VPN) label in figure 3 and paragraph 0038).

Regarding claim 12, Hama discloses the channel identifiers for the destination customer devices used by the source customer edge device and the destination customer edge device may be different (see different edge device (router) in figure 1 and paragraph 0038. Note that different edge devices have different routing tables).

Regarding claims 32, 47, and 48, Hama discloses a device for use at the edge of a layer 2 transport network (figure 2), the device comprising: a) a storage facility (table) for storing i) a first route mapping a channel identifier corresponding to a destination customer edge device to a first label (forwarding label in figure 3) for forwarding data to a proper egress service provider edge device and a second label (VPN label) for forwarding data from the proper egress service provider edge device to the destination customer edge device, and ii) a second route mapping an ingress second label to a channel identifier associated with a destination customer edge device; and b) a forwarding facility for i) forwarding ingress data to an egress service provider edge device based on the first route, and ii) forwarding egress data to a destination customer edge device based on the second route (see paragraph 0038).

Regarding claim 37, claim 37 has substantially the same limitation as claim 32 except that claim 37 includes a second network edge device at the receiving end. Figure 1 of Hama shows first edge device (111) and second edge device (112).

Regarding claim 38, Hama discloses each of the first and second channel identifiers is associated with the destination customer edge device, and the first channel identifier may be different from the second channel identifier (see paragraph 0038 where each router has a table. Therefore, the first channel identifier may be different from the second channel identifier).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3, 8, and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hama in view of Chuah et al (6,735,190).

Regarding claim 3, Hama does not specifically disclose encapsulating the modified packet. However, encapsulating packets for transmission is well known in the art. Chuah discloses encapsulating (col. 4, lines 57-60). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to encapsulate the packet as taught by Chuah in the system of Hama in order to send the data through different networks.

Regarding claims 8 and 33-34, Hama does not specifically disclose using the advertisement of the egress device to determine the channel to the destination. However, using

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the advertisement to determine the channel; to the destination device is well known in the art. Chuah discloses this limitation (see col. 5, line 36-col. 6, line 3). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the advertisement as taught by Gibson in the system of Hama in order to effectively choosing a channel to the destination.

Allowable Subject Matter

8. Claims 13-20, 22-27, 29-31, 39-46 are allowed.
9. Claims 21 and 28 would be allowable if rewritten or amended to overcome the objection(s) and/or the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
10. Claims 35-36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

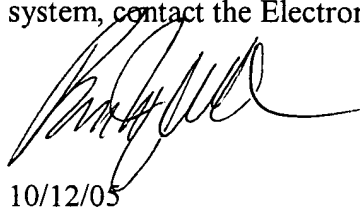
Gibson (6,680,943), Mauger et al (6,886,043), Tappan (6,295,296), and Uzun (6,606,681).

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D. Nguyen whose telephone number is (571) 272-3084. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



10/12/05

**BRIAN NGUYEN
PRIMARY EXAMINER**